

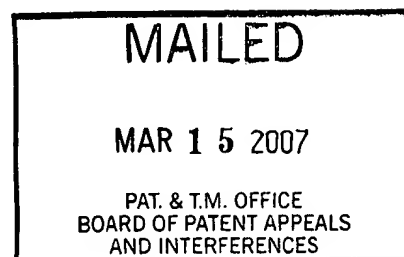
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte AMIT R. SHAH

Appeal 2006-3225
Application 09/248,524
Technology Center 1600



ON BRIEF

Before GRIMES, LINCK, and LEOVITZ, *Administrative Patent Judges*.

LINCK, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of all pending claims in the above-identified application, filed February 9, 1999.¹ We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

STATEMENT OF THE CASE

The claimed invention “relates to long-wearing cosmetic compositions.” Specification (“Spec.”) 1. “The compositions comprise an acrylic or methacrylic acid derived polymeric or copolymeric component in combination with at least one water soluble organic pigment.” *Id.*

¹ The real party in interest is assignee Color Access, Inc.

According to the specification, a composition according to the invention is “water resistant and stays on as applied (i.e., it is long lasting.)” *Id.*

The Examiner has rejected claims 1-15, 17, and 19-22 under 35 U.S.C. § 103(a), based on U.S. Patent Nos. 4,761,277 (“Valdes”) and 5,874,072 (“Alwattari”). The Examiner further relies upon U.S. Patent No. 5,518,728 (“Burdzy”) to support the rejection of claims 16 and 18. Appellant has argued all the claims together on appeal. *See* Supplemental Appellant’s Brief Pursuant To 37 CFR 41.37 (“Br.”) 2. We consider representative claims 1 and 16.

Claim 1 reads:

1. A long-wearing cosmetic composition comprising a polymeric component selected from the group consisting of an acrylic acid polymer, acrylic acid copolymer, acrylic acid ester polymer, acrylic acid ester copolymer, a methacrylic acid polymer, a methacrylic acid copolymer, a methacrylic acid ester polymer, and a methacrylic acid ester copolymer and at least one water soluble organic pigment.

Claim 16 is dependent upon claim 15 and reads:

16. [A flow-through cosmetic applicator comprising the composition of claim 1] wherein said applicator is an eyeliner pen having a nib.

ISSUES ON APPEAL

We frame the issues before us as follows:

Would it have been obvious to one of ordinary skill in the art to combine Valdes’ water-soluble organic pigment with Alwattari’s ammonium polyacrylate emulsion containing a water-insoluble polymeric material?

Would it have been obvious to one of ordinary skill in the art to combine the teachings of Bursby with those of Valdes and Alwattari to arrive at the flow-through eyeliner pen having a nib?

FINDINGS OF FACT

Claim Interpretation

Claim 1 requires two components: (1) an acrylic or methacrylic acid derived polymeric or copolymeric component and (2) a water-soluble organic pigment.

Due to “comprising” language, claim 1 is not limited to the polymeric component and water-soluble pigment and, thus, can include water and other components, such as those disclosed in the two cited references.

Claim 1 does not exclude any particular form and, thus, can be an emulsion or dispersion, as well as a solution.

A preferable polymeric component is Syntran EX35-1™, an aqueous polymeric emulsion of ammonium acrylate. Spec. 3.

Suitable water-soluble organic pigments include “D&C, and FD&C pigments.” Spec. 4. Expressly identified as a preferred pigment is “FD&C yellow No. 5.” *Id.* at 4.

The example in the specification includes, inter alia, ammonium acrylate copolymer, FD&C Yellow No. 5 and approximately 50% water. *Id.* at 6.

The Knowledge of Those Skilled in the Art

At the time the application was filed, there was “a strong demand among consumers for cosmetic products that last all day without the need for refreshing.” *Id.* at 1.

Further, at that time, the “cosmetic industry primarily use[d] inorganic pigments because they can withstand assaults on stability [and] are much more stable than natural pigments,” i.e., organic pigments. *Id.* at 1.

However, “organic pigments are generally considered by the consumer to be natural and better than . . . inorganic pigments.” *Id.*

“Organic pigments have a tendency to bleed, fade, or otherwise deteriorate in a very short period of time, [and] being water soluble, they have a tendency to run once they are applied on the skin.” *Id.*

The Cited Prior Art

Valdes discloses a cosmetic composition which includes “a water-soluble organic pigment, a water-soluble organic polymer film-former . . . and water as a carrier for the pigment. FD&C Yellow No. 5 is specifically taught as a water-soluble organic pigment. . . . The reference lacks water-insoluble polymeric components. See Col. 1 lines 11-62, Col. 3, lines 15-19, Col. 4, lines 5-37.” Answer 5.

In Valdes, the water-soluble pigment is dissolved in water rather than the water-soluble polymer. Col. 2, ll. 33-38.

Valdes recognizes that the form of the composition may be a dispersion rather than a solution. See Valdes’ claim 1 (col. 4).

Alwattari discloses cosmetic compositions which include “water-insoluble polymeric materials in the form of an aqueous emulsion and water

soluble, film-forming polymers. Ammonium polyacrylate is taught as a preferred water-insoluble polymeric material that in combination with water-soluble film forming polymers, provides compositions that have superior wear and are removable with soap and water.” Ans. 5 (citing col. 1, l. 66 to col 2, l. 66).

Alwattari further discloses organic pigments as “useful” in their composition, including one or more water-soluble pigments, such as D&C Yellow No. 5² and D&C Orange No. 4.³ Col. 6, ll. 21-31. *See also* Answer 6.

Burdzy teaches “the cosmetic composition of the present invention may be in any form, including . . . eye liners, lip liners” etc. Col. 10, ll. 58-65.

DISCUSSION

Claim 1

As Appellant’s specification recognizes, a skilled artisan working in the cosmetic field would have been faced with a dilemma—consumers wanted to use cosmetics with natural (organic) pigments but have them last like inorganic pigments.

² D&C Yellow No. 5 and FD&C Yellow No. 5 (chemical name tartrazine) are used interchangeably. Household Products Database, <http://householdproducts.nlm.nih.gov/cgi-bin/household/brands?tbl=chem&id=117> (accessed 3/6/2007) (copy attached). *See also* 21 C.F.R. § 74.1705.

³ 21 C.F.R. §§ 74.2705 & 74.1254 (“Water-insoluble matter, not more than 0.2 percent”).

Alwattari suggests to the skilled artisan how to solve this dilemma, i.e., by combining Alwattari's aqueous emulsion containing a water-insoluble polymeric material, e.g., ammonium acrylate, with one of Valdes' water-soluble organic dyes, such as FD&C Yellow No. 5. Alwattari disclosure of at least some water-soluble dyes, including D&C Yellow No. 5, further supports such a combination. (See the listing in col. 6, ll. 21-31 which includes water-soluble dyes.) The skilled artisan would have been motivated to make such a combination by Alwattari's teachings suggesting the combination would have "superior wear" and be easy to remove "with soap and water" (col. 1, l. 66 to col. 2, l. 3). The skilled artisan would have been further motivated to make such a combination by consumers' desire for cosmetics containing organic rather than inorganic pigments.

Appellant admits Valdes discloses a water-soluble pigment and Alwattari discloses ammonium acrylate, a water-insoluble polymeric material with the scope of claim 1. Br. 2-3. However, Appellant disputes the Examiner's position that it would have been obvious to combine these two patents.

Appellant's primary argument focuses on the fact that Alwattari's polymeric material is water insoluble and Valdes' organic pigment is water soluble. *See, e.g.*, Br. 4 ("one of ordinary skill . . . would expect water-soluble organic pigments . . . to be incompatible with the oil containing compositions of the '072 reference"). However, as the Examiner found, Appellant does not provide any evidence supporting his "incompatibility" argument. *See Answer 8* ("There is no evidence [in] the record, or generally acceptable knowledge in the art, that water-soluble organic pigments have to

be used in water-based system[s].”). Furthermore, the cited art suggests otherwise. *See* Alwattari *passim* (not limiting his organic pigments to water-insoluble pigments) & Alwattari, col. 6, ll. 21-31 (indicating water-soluble organic pigments can be used with their water-insoluble polymer). *See also* Valdes’ claim 1 (acknowledging the form of their composition may be a dispersion rather than a solution); and col. 2, ll. 33-38 (indicating the water-soluble pigment is dissolved in water prior to combining with the water-soluble polymer). Finally, as the Examiner found, the “ammonium polyacrylate disclosed by Alwattari et al. is an emulsion composition, which comprises both water phase and oil phase. Therefore, the [ammonium acrylate] polymer would be considered . . . compatible with both water and oil,” even though it may not be soluble in both. Answer 9.

Appellant’s arguments appear to be based primarily on the differences between emulsions, dispersions and solutions. *See, e.g.*, Br. 2-6. *See also* Answer 8 (“The premise herein appears to be that every pigment used in [a] cosmetic composition need[s] to be dissolved in the composition.”). Such arguments ignore the language of claim 1—language that neither requires dissolution of the pigment nor exclusion of emulsions and dispersions. Appellant’s arguments also ignore the prior art teachings supporting the Examiner’s finding that pigments can be dispersed in cosmetic compositions, as well as dissolved. Answer 8.

Thus, given the motivation to make cosmetics that have “superior wear and are removable with soap and water” and contain organic rather than inorganic pigments, it would have been obvious to one of ordinary skill

in the cosmetic art to combine the teachings of Valdes and Alwattari to obtain the invention of claim 1.

Claim 16

Based on the reasoning above, Burdzy's suggestion that teachings relating to cosmetics for lip liners can be applied to cosmetics for eye liners would have led one skilled in the art to the invention of claim 16. While Burdzy confines the reference's express teaching to Burdzy's invention, it clearly suggests applicability to other cosmetic compositions, particularly in view of the level of skill in the art.

CONCLUSION

Based on the record before us and the above analysis of claims 1 and 16, we affirm the Examiner's § 103(a) rejection of this claim. Lacking any argument regarding their separate patentability, we also affirm the § 103(a) rejection of claims 2-15 and 17-22 pursuant to 37 CFR § 41.37(c)(1)(vii).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv) (2004).

AFFIRMED



Eric Grimes
Administrative Patent Judge



Nancy J. Linck
Administrative Patent Judge



Richard M. Lebovitz
Administrative Patent Judge

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) APPEALS AND
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) INTERFERENCES
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Appeal 2006-3225
Application 09/248,524

Karen A Lowney Esq
Estee Lauder Companies
155 Pinelawn Road
Melville NY 11747

Household Products Database

National Institutes of Health
National Library of Medicine
Specialized Information Services



Chemical Information

Chemical Name: FD&C (or D&C) Yellow #5

CAS Registry Number: 001934-21-0

Synonyms: Tartrazine; Acid yellow 23; CI 19140; D & C Yellow no. 5; Pyrazole-3-carboxylic acid, 5-hydroxy-1-(p-sulphophenyl)-4-(p-sulphophenyl)azo-, trisodium salt; Trisodium 5-hydroxy-1-(4-sulphophenyl)-4-(4-sulphophenylazo)pyrazole-3-carboxylate

Information from other National Library of Medicine databases

Health Studies: [Human Health Effects from Hazardous Substances Data Bank \(HSDB\)](#)

Toxicity Information: [Search TOXNET](#)

Chemical Information: [Search ChemIDplus](#)

Biomedical References: [Search PubMed](#)

Products that contain this ingredient

Brand	Category	Form	Percent
Delta Soap Creations Color Accents, Red/Yellow/Orange	Hobby/Craft	liquid	
Delta Soap Creations Color Accents, Blue/Green/Purple	Hobby/Craft	liquid	
LAURA by Laura Biagiotti	Personal care/use	liquid	
ROMA For Men By Laura Biagiotti	Personal care/use	liquid	
TEMPORE UOMO For Men by Laura Biagiotti	Personal care/use	liquid	
VENEZIA Eau de Toilette For Women by Laura Biagiotti	Personal care/use	liquid	
Olay Total Effects Moisturizing Vitamin Complex	Personal care/use	cream	
Noxzema Medicated Instant Shave, Aloe & Lanolin	Personal care/use	aerosol	
Revlon ColorStay LipSHINE Lipcolor Plus Gloss, Blast	Personal care/use	liquid	
Revlon ColorStay Liquid Lip Lipcolor, Pink Free	Personal care/use	liquid	
Revlon ColorStay LipSHINE Lipcolor Plus Gloss, Electric	Personal care/use	liquid	
St. Ives Swiss Spa Extra Body Volumizing Shampoo with Chamomile & Sunflower	Personal care/use	liquid	
Freeman Botanicals Hair Thickening Shampoo	Personal care/use	liquid	
Freeman Botanicals Natural Hair Care: Hair Rescue	Personal care/use	pump spray	
Dep Extra Super Control Water Based Gel	Personal care/use	gel	
Aussie Mega Shampoo with Papaya Extract	Personal care/use	liquid	
Scope Mouthwash and Gargle-Original Mint	Personal care/use	liquid	
Old Spice After Shave	Personal care/use	liquid	

<u>Softsoap Vitamins Liquid Hand Soap with Vitamin E Complex</u>	Personal care/use	liquid	
<u>Softsoap Fruit Antibacterial Liquid Hand Soap, Juicy Melon Scent</u>	Personal care/use	liquid	
<u>Suave Deodorant Soap, Antibacterial</u>	Personal care/use	solid	
<u>Suave Shampoo for All Hair Types, Balsam & Protein</u>	Personal care/use	liquid	
<u>Paul Mitchell Tea Tree Special Shampoo</u>	Personal care/use	liquid	
<u>Sesame Street Finger Paint Bubble Bath</u>	Personal care/use	liquid	
<u>Ultima II Nourishing Stick Blush, Rosewood</u>	Personal care/use	solid	
<u>Sally Hansen Teflon Tuff Nails, Blackberry Wine Frost</u>	Personal care/use	liquid	
<u>Sally Hansen Teflon Tuff Nails, Color Twist</u>	Personal care/use	liquid	
<u>Sally Hansen Teflon Tuff Nails, Pearly Gloss</u>	Personal care/use	liquid	
<u>Sally Hansen Teflon Tuff Nails, Sheer French Pink</u>	Personal care/use	liquid	
<u>Sally Hansen Teflon Tuff Nails, Wood Violet Cr</u>	Personal care/use	cream	
<u>Thicker Fuller Hair Conditioning Rinse</u>	Personal care/use	liquid	
<u>Clairol Herbal Essences Conditioner-Fine/Limp Hair</u>	Personal care/use	liquid	
<u>Dial Liquid Antibacterial Soap, Original Formula</u>	Personal care/use	liquid	
<u>Softsoap Liquid Antibacterial Body Soap</u>	Personal care/use	liquid	
<u>GoJo Lemon Hand Cleaner</u>	Personal care/use	liquid	
<u>Clairol Natural Instincts Haircolor, Level 2, Coastal Dune-09N</u>	Personal care/use	kit	Conditioner
<u>Clairol Natural Instincts Haircolor, Level 2, Hazelnut-20</u>	Personal care/use	kit	Conditioner
<u>Crest Extra Whitening w/Tartar Protection Clean Mint Gel Toothpaste</u>	Personal care/use	gel/tube	
<u>Crest Tartar Control Smooth Mint Gel Toothpaste</u>	Personal care/use	gel/tube	
<u>Boss Elements Eau de Toilette</u>	Personal care/use	liquid	
<u>Ivory Moisturizing Body Wash, Natural Honey</u>	Personal care/use	lotion	
<u>Ivory Moisturizing Body Wash, Fresh Snow</u>	Personal care/use	lotion	
<u>Crest MultiCare Fluoride Anticavity Toothpaste, Cool Mint</u>	Personal care/use	tube	
<u>Avon Black Suede Cologne Spray</u>	Personal care/use	liquid	
<u>Avon Passion Dance for Women</u>	Personal care/use	liquid	
<u>Aire by Giorgio of Beverly Hills Eau de Toilette Spray</u>	Personal care/use	liquid	
<u>Boss Elements After Shave</u>	Personal care/use	liquid	
<u>Boss No. 6 Cologne by Hugo Boss For Men</u>	Personal care/use	liquid	
<u>G BY GIORGIO</u>	Personal care/use	liquid	
<u>Giorgio Beverly Hills So You Eau de Toilette Spray</u>	Personal care/use	liquid	
<u>HELMUT LANG Eau de Parfum Spray For Men</u>	Personal care/use	liquid	
<u>Helmut Lang Men Eau de Cologne Spray</u>	Personal care/use	liquid	
<u>HERVE LEGER by Herve Leger For Women</u>	Personal care/use	liquid	
<u>Hugo Boss Baldessarini After Shave Balm</u>	Personal care/use	liquid	
<u>Hugo Boss Ladies Eau de Toilette</u>	Personal care/use	liquid	
<u>Lacoste Pour Femme Eau de Parfum</u>	Personal care/use	liquid	
<u>Lacoste Pour Homme Aftershave Splash</u>	Personal care/use	liquid	

<u>Laura Biagiotti Emotion Eau de Parfum Spray</u>	Personal care/use	liquid	
<u>ROMA by Laura Biagiotti WOMENS EDT SPRAY</u>	Personal care/use	liquid	
<u>TEMPORE For Women by Laura Biagiotti</u>	Personal care/use	liquid	
<u>VENEZIA Eau de Toilette For Men by Laura Biagiotti</u>	Personal care/use	liquid	
<u>Jergens Skin Cooling Moisturizer, With Cucumber Extract</u>	Personal care/use	liquid	
<u>Revlon ColorStay Liquid Lip Lipcolor, Blush Wine</u>	Personal care/use	liquid	
<u>Revlon ColorStay LipSHINE Lipcolor Plus Gloss, Solar</u>	Personal care/use	liquid	
<u>Revlon ColorStay LipSHINE Lipcolor Plus Gloss, Dazzle</u>	Personal care/use	liquid	
<u>St. Ives Swiss Spa Revitaliz. Shampoo, Vanilla & Edelweiss-Damaged Hair</u>	Personal care/use	liquid	
<u>Freeman Beautiful Skin Apricot/ Sea Kelp Scrub</u>	Personal care/use	paste	
<u>Freeman Botanicals Humectant Plus Intensive Conditioner</u>	Personal care/use	paste	
<u>Salon Selectives Shampoo Level 5 Regular-Normal</u>	Personal care/use	liquid	
<u>Salon Selectives Botanical Blends Shampoo: Aloe</u>	Personal care/use	liquid	
<u>Happy Daisy Relaxing Bath Bubbles</u>	Personal care/use	liquid	
<u>Safeguard Antibacterial Soap with Moisturizer</u>	Personal care/use	liquid	
<u>Oil Of Olay Refreshing Toner</u>	Personal care/use	liquid	
<u>Softsoap Antibacterial Liquid Hand Soap with Light Moisturizers</u>	Personal care/use	liquid	
<u>Softsoap Extra Moisturizing Antibacterial Liquid Hand Soap</u>	Personal care/use	liquid	
<u>Suave Moisturizing Shampoo for Dry or Damaged Hair</u>	Personal care/use	liquid	
<u>Suave Herbal Care Shampoo with Chamomile, Sunflower & Wheat Protein</u>	Personal care/use	liquid	
<u>Willow Lake Shampoo for Deep Cleansing and Clarifying, Tea Tree Oil & Sage</u>	Personal care/use	liquid	
<u>Oil of Olay Provital Protective Moisture Lotion Upgrade</u>	Personal care/use	lotion	
<u>Sally Hansen Teflon Tuff Nails, Sheer French Beige</u>	Personal care/use	liquid	
<u>Sally Hansen Teflon Tuff Nails, Cafèu Lait Crème</u>	Personal care/use	liquid	
<u>Sally Hansen Teflon Tuff Nails, French White Tip</u>	Personal care/use	liquid	
<u>Sally Hansen Teflon Tuff Nails, Sheer French Buff</u>	Personal care/use	liquid	
<u>Sally Hansen Teflon Tuff Nails, Silk Rose Frost</u>	Personal care/use	liquid	
<u>Sally Hansen Teflon Tuff Nails, Party Girl Crème</u>	Personal care/use	liquid	
<u>Thicker Fuller Hair Moisturizing Shampoo</u>	Personal care/use	liquid	
<u>Clairel Herbal Essences Shampoo-Normal Hair</u>	Personal care/use	liquid	
<u>Tone Hand and Body Lotion with Cocoa Butter</u>	Personal care/use	liquid	
<u>Vaseline Intensive Care Lotion, Aloe & Naturals</u>	Personal care/use	liquid	
<u>Clairel Natural Instincts Haircolor, Level 2, Desert Sunrise-15</u>	Personal care/use	kit	Conditioner
<u>Clairel Natural Instincts Haircolor, Level 2, Sedona Sunset-16RG</u>	Personal care/use	kit	Conditioner

<u>Clairol Natural Instincts Haircolor, Level 2, Nutmeg-28</u>	Personal care/use	kit	Conditioner
<u>Crest Whitening Toothpaste Plus Scope, Minty Fresh Striped</u>	Personal care/use	paste	
<u>Crest Multi Care Toothpaste, Cool Mint Gel</u>	Personal care/use	gel/tube	
<u>Baby Magic, Baby Bath, Original</u>	Personal care/use	liquid	
<u>Crest Rejuvenating Effects Fluoride Anticavity Toothpaste</u>	Personal care/use	paste	
<u>Hugo Boss Eau de Toilette Natural Spray</u>	Personal care/use	pump spray	
<u>Head & Shoulders Dandruff Shampoo For Fine-Oily Hair, Ultimate Clean</u>	Personal care/use	lotion	
<u>Crest Extra Whitening with Tartar Protection Toothpaste</u>	Personal care/use	tube	
<u>Scope Mouthwash and Gargle-Original Mint-11/1/1999</u>	Personal care/use	liquid	
<u>Avon Passion Dance for Men</u>	Personal care/use	liquid	
<u>Purell Instant Hand Sanitizer with Aloe, Moisturizers & Vitamin E</u>	Personal care/use	viscous liquid	
<u>Baldessarini Men's Eau de Cologne Spray</u>	Personal care/use	liquid	
<u>Boss No. 1 Cologne by Hugo Boss For Men</u>	Personal care/use	liquid	
<u>EMOTION For Women By Laura Biagiotti</u>	Personal care/use	liquid	
<u>Giorgio Beverly Hills So You Eau de Parfum Spray</u>	Personal care/use	liquid	
<u>Helmut Lang Curion for Men Aftershave Lotion</u>	Personal care/use	liquid	
<u>Helmut Lang Men After Shave Lotion</u>	Personal care/use	liquid	
<u>Helmut Lang Women Parfum Bottle</u>	Personal care/use	liquid	
<u>Hugo Boss Baldessarini After Shave</u>	Personal care/use	liquid	
<u>Hugo Boss Baldessarini Eau de Cologne Spray</u>	Personal care/use	liquid	
<u>Hugo Dark Blue Men Eau de Toilette</u>	Personal care/use	liquid	
<u>Lacoste Pour Homme Aftershave Balm</u>	Personal care/use	liquid	
<u>Lacoste Pour Homme Eau de Toilette Vapo</u>	Personal care/use	liquid	
<u>Laura Biagiotti Laura Eau de Toilette Spray</u>	Personal care/use	liquid	
<u>8 in 1 FerretSheen Deodorizing & Conditioning Spray</u>	Pet Care	pump spray	
<u>Four Paws Petdental Finger Toothbrush and Toothpaste</u>	Pet Care	paste	
<u>Four Paws Petdental Natural Toothpaste for Dogs</u>	Pet Care	paste	
<u>Four Paws Bunny Bath Shampoo & Deodorizer</u>	Pet Care	liquid	
<u>Pet Scentsations Premium Small Animal Shampoo, Cool Cucumber Melon</u>	Pet Care	liquid	
<u>Pet Scentsations Premium Ferret Shampoo, Honey Oatmeal</u>	Pet Care	liquid	
<u>Four Paws Magic Coat Flea & Tick Shampoo for Dogs & Cats, Puppies & Kittens</u>	Pet Care	liquid	
<u>Four Paws Petdental Care Kit for Dogs</u>	Pet Care	paste	
<u>Four Paws Petdental Liquid Tartar Remover for Dogs</u>	Pet Care	paste	
<u>Pet Scentsations Premium Small Animal Shampoo, Honey Oatmeal</u>	Pet Care	liquid	

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Last updated: May 12, 2005

Notice of References Cited

Application/Control No.

09/248,524

Applicant(s)/Patent Under
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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
	A	US-				
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NON-PATENT DOCUMENTS

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	U	Household Products Database, http://householdproducts.nlm.nih.gov/cgi-bin/household/brands?tbl=chem&id=117 (accessed 3/6/2007)					
	V						
	W						
	X						

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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